

REMARKS

[0001] Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein.

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 4, 9, 14-16, 18, 21, and 24 are presently pending. Claims amended herein are 4, 9, 14, 21, and 24. Claims withdrawn or cancelled herein are 1-3, 5-8, 10-13, 15-20, 22-23, and 25-26. New claims added herein are none.

Formal Request for an Interview

[0003] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0004] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments

[0005] Without conceding the propriety of the rejection herein and in the interest of expediting prosecution, Applicant voluntarily amends claims 4, 9, 14, 21 and 24. Applicant amends these claims to clarify claimed features in order to expedite prosecution and quickly identify allowable³ subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to cited prior art.

SUBSTANTIVE MATTERS

Claim Rejections under § 103

[0006] Claims 1-10, 12 and 17-24 have been rejected under 35 U.S.S. § 103(a) as being unpatentable over U.S. Patent Application Publication No 2002/0059623 to Rodriguez in view of U.S. Patent No. 5,990,883 to Byrne. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0007] Each of the remaining independent claims has been amended to include the additional element that the client device designates the data size of the electronic programming guide that is sent to the client device from the head end device. Support for these amendments can be found at least at page 6 lines 14-25.

[0008] Allowing for the client device to designate data structure size facilitates better handling of the EPG data by low resource clients. The arbitrary

size designated by the client device communicated to the head end device allows the EPG data to be fragmented at the server to insure consistent and quick search results at the client device. Hence improving the end users satisfaction with the EPG. The aforementioned element is not taught nor suggested by the prior art.

Conclusion

[0009] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: 2007.09.18

By: 

Jason F. Lindh
Reg. No. 59090
(509) 324-9256 x215
jason@leeheyas.com
www.leeheyas.com

My Assistant: Carly Bokarica
(509) 324-9256 x264
carly@leeheyas.com